



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/590,741

08/25/2006

Yukinori Suda

P/1878-196

1227

2352 7590 08/19/2009
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

MAPA, MICHAEL Y

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,741	Applicant(s) SUDA, YUKINORI	
	Examiner Michael Mapa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-35,38,40,42,44,46 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35,38,40,42,44,46 and 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/16/09 has been entered.

Response to Amendment

2. The applicant has amended the following:

Claims: 27, 32, 35, 38, 44, 46 and 48 has been amended.

Claims: 28-31, 33-34, 40, 42 and 49-56 have not been amended.

Claims: 1-26, 36-37, 39, 41, 43, 45 and 47 has been cancelled.

With regards to the claim objections by the examiner on the previous office action, the applicant has amended the claims to overcome the claim objections; therefore the examiner withdraws the claim objections from the previous office action.

Response to Arguments

3. Applicant's arguments with respect to claims 24-35, 38, 40, 42, 44, 46, and 48-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-31, 33, 48-53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al. (US Patent Publication 2003/0224775 herein after referenced as Suda) in view of Tsutsumi et al. (US Patent Publication 2003/0186724 herein after referenced as Tsutsumi).

Regarding claim 27, Suda discloses "A mobile communication system including a plurality of radio base stations and a terminal device that can connect with said radio base stations" (**Paragraph [0038] of Suda**). Suda discloses "comprising: a deterioration detection facility, operable in a state that allows said terminal device to handle handovers from a first, anchor radio base station to a second radio base station and to communicate through a path which passes through said first, anchor radio base station, for detecting deterioration in a communication state between said terminal

Art Unit: 2617

device and said second radio base station” (**Paragraphs [0064] & [0102] of Suda, wherein Suda discloses comparing reception characteristics such as a power level with a preset threshold and wherein when the power level is the preset threshold or below, starts a search for a new radio base station and judges whether or not to connect to (hand-over) the new base station and wherein Suda discloses making the data buffered by the radio station formerly connected to, to be transferred to the new radio base station, therefore a path which passes through said first radio base station).** Suda discloses “and a distribution facility, operable when said terminal device performs a handover to a third radio base station, caused by that the deterioration in said communication state being detected” (**Paragraph [0064] of Suda, wherein Suda discloses transmitting a suppression signal, going into power saving mode and searching for a new radio base station to be connected to).** Suda discloses “in addition to the packets addressed to said terminal device, to start to buffer said packets by said first radio base station before said terminal device performs the handover and to be buffered in said first, anchor radio base station after the handover of said terminal device is completed” (**Paragraph [0051] & [0102] of Suda, wherein Suda discloses buffering the received frames when the operation mode of the radio terminal is judged to be the power saving mode).** Suda discloses “for distributing packets addressed to said terminal device, which are newly received, to said terminal device through said third radio base station” (**Abstract & Paragraph [0102] of Suda, wherein Suda discloses not to switch the connection to the radio base station being connected to (second radio base station) and**

Art Unit: 2617

perform connection processing with the new radio base station (third radio base station) immediately after detecting the new radio base station and further make the data, which is buffered by the radio base station formerly connected to (first anchor base station), transferred to the new radio base station (third radio base station)). Suda discloses “in accordance of an order of reception of said packets by said first, anchor base station” **(Fig. 7A-7D & Paragraph [0102] of Suda, wherein Suda discloses a received packet sequence, therefore an order of reception of said packets).** Suda discloses “wherein, upon the handover of said terminal, said first, anchor radio base station switches a radio base station which serves as a destination of the packet” **(Paragraph [0102] of Suda, wherein Suda discloses not to switch the connection to the radio base station being connected to (second radio base station) and perform connection processing with the new radio base station (third radio base station) immediately after detecting the new radio base station and further make the data, which is buffered by the radio base station formerly connected to (first anchor base station), transferred to the new radio base station (third radio base station)).**

Suda fails to explicitly recite “an order of distribution of said buffered packets through said third radio base station corresponding to in accordance of an order of reception of said packets.”

In a related field of endeavor, Tsutsumi discloses “an order of distribution of said buffered packets through said third radio base station corresponding to in accordance of an order of reception of said packets” **(Paragraphs [0006] & [0014] of Tsutsumi).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda to incorporate the teachings of Tsutsumi for the purpose of improving system performance by providing the system with a function of setting priority of data set by the base station to prevent QoS (Quality of Service) from being degraded **(Paragraph [0007] of Tsutsumi).**

Regarding claim 28, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, wherein said deterioration detection facility is configured to determine deterioration in said communication state by a detection of a signal reception power” **(Paragraph [0064] of Suda, wherein Suda discloses comparing reception characteristics and gives the example of a received power level).**

Regarding claim 29, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, wherein said deterioration detection facility is configured to determine deterioration in said communication state by a bit error rate” **(Paragraph [0057] of Suda, wherein Suda discloses a reception characteristic to be a bit error rate).**

Regarding claim 30, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, wherein said terminal device is provided with said deterioration detection facility” **(Fig. 4 & Paragraph [0056] of Suda, wherein Suda discloses the terminal device to have a MAC control unit 610 that has a reception characteristics monitoring unit).**

Regarding claim 31, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, wherein said first, anchor radio base station is provided with said deterioration detection facility” **(Paragraphs [0047] & [0053] of Suda, wherein Suda discloses the first MAC control unit 410 further informs the radio terminal monitoring unit 450 of interruption when the received power level is a preset threshold or less).**

Regarding claim 33, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, wherein said terminal device has change means for changing a radio base station to which the terminal device is going to perform a handover, to another radio base station, in accordance with a result of researching a communication state with another radio base station” **(Paragraph [0064] of Suda, wherein Suda discloses the MAC control unit 610 with its reception characteristics monitoring unit, judges whether or not to be connected to the new radio base station).**

Regarding claim 48, Suda discloses “A mobile communication method in a mobile communication system including a plurality of radio base stations including a first, anchor base station and a terminal device that can connect with said radio base stations” **(Paragraphs [0038] & [0102] of Suda).** Suda discloses “comprising the steps of: causing said first, anchor radio base station start to buffer packets addressed to said terminal device in a state when said terminal device handles handovers from said first, anchor radio base station to a second radio base station and performs communication through said first anchor radio base station, when said terminal device performs a

Art Unit: 2617

handover to a third radio base station, caused by deterioration in a communication state between said terminal device and said second radio base station, before said terminal device performs the handover” **(Paragraphs [0064] & [0102] of Suda, wherein Suda discloses comparing reception characteristics such as a power level with a preset threshold and wherein when the power level is the preset threshold or below, starts a search for a new radio base station and judges whether or not to connect to (hand-over) the new base station and wherein Suda discloses making the data buffered by the radio station formerly connected to, to be transferred to the new radio base station, therefore a path which passes through said first radio base station).** Suda discloses “and distributing packets addressed to said terminal device, which are newly received, to said terminal device through said third radio base station in an order of reception” **(Fig. 7A-7D & Paragraph [0102] of Suda, wherein Suda discloses a received packet sequence, therefore an order of reception of said packets).** Suda discloses “in addition to the packets addressed to said terminal which are buffered while switching a radio base station which serves as a destination of the packet, after the handover of the terminal is completed, said first radio base station” **(Paragraph [0051] & [0102] of Suda, wherein Suda discloses buffering the received frames when the operation mode of the radio terminal is judged to be the power saving mode).**

Suda fails to explicitly recite “an order of distribution of said buffered packets through said third radio base station corresponding to an order of reception of said packets by said first, anchor base station.”

In a related field of endeavor, Tsutsumi discloses “an order of distribution of said buffered packets through said third radio base station corresponding to an order of reception of said packets by said first, anchor base station” **(Paragraphs [0006] & [0014] of Tsutsumi).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda to incorporate the teachings of Tsutsumi for the purpose of improving system performance by providing the system with a function of setting priority of data set by the base station to prevent QoS (Quality of Service) from being degraded **(Paragraph [0007] of Tsutsumi).**

Regarding claim 49, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 49 with the same arguments provided above (see claim 28).

Regarding claim 50, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 50 with the same arguments provided above (see claim 29).

Regarding claim 51, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48, wherein said deterioration in the communication state is determined by a packet error rate” **(Paragraph [0057] of Suda).**

Regarding claim 52, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 52 with the same arguments provided above (see claim 30).

Regarding claim 53, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 53 with the same arguments provided above (see claim 31).

Regarding claim 55, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 55 with the same arguments provided above (see claim 33).

6. Claims 32, 34-35, 38, 40, 42, 44, 46, 54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al. (US Patent Publication 2003/0224775 herein after referenced as Suda) in view of Tsutsumi et al. (US Patent Publication 2003/0186724 herein after referenced as Tsutsumi) and further in view of Rauhala (US Patent 6611547 herein after referenced as Rauhala).

Regarding claim 32, Suda in view of Tsutsumi discloses “The mobile communication system according to claim 27, further comprising request means for requesting said first, anchor radio base station buffer the packets addressed to said terminal device before said terminal device performs a handover” **(Paragraphs [0064] & [0102] of Suda, wherein Suda discloses sending a transmission suppress signal and going into power saving mode before searching for the new radio base station to connect to as well as disclosing the first base station to buffer the data and transferring the data to the new radio base station).**

Suda in view of Tsutsumi fails to explicitly recite “said second radio base station makes said first, anchor radio base station.”

In a related field of endeavor, Rauhala discloses “said second radio base station makes said first, anchor radio base station” **(Fig. 2 & Column 7, Lines 10-25 of Rauhala, wherein Rauhala discloses a first base station sending signaling message to a second base station).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda in view of Tsutsumi to incorporate the teachings of Rauhala for the purpose of improving the system by creating a better dynamism and utilization of network resources **(Column 3, Lines 13-19 of Rauhala).**

Regarding claim 34, Suda in view of Tsutsumi and further in view of Rauhala discloses “The mobile communication system according to claim 32.” The examiner rejects claim 34 with the same arguments provided above (see claim 33).

Regarding claim 35, Suda discloses “A radio base station that is used while being connected to a terminal device, comprising: deterioration detection means for detecting deterioration in a communication state with said terminal device” **(Fig. 1 & 2 & Paragraph [0047] of Suda).** Suda discloses “detection means for detecting whether or not packets addressed to said terminal device are forwarded from another radio base station” **(Paragraphs [0100] & [0102] of Suda, wherein Suda discloses the radio base station to judge which base station the radio terminal makes a connection and forwarding the packets from the base station formerly connected to, to the new base station).** Suda discloses “and storage means for temporarily storing the

Art Unit: 2617

packets addressed to said terminal device when the deterioration in the communication state is detected and the packets addressed to said terminal device are not forwarded from another radio base station” **(Paragraph [0046] of Suda, wherein Suda discloses the frames handed over to the buffer 440)**. Suda discloses “another radio base station to temporarily store the packets addressed to said terminal device” **(Paragraphs [0051] – [0053] & [0102] of Suda, wherein Suda discloses buffering the frames when the operation mode is in power saving mode and discloses detecting the operation mode of the terminal device and sending a transmission suppress signal (request) and going into power saving mode when the received power level is below a threshold and when it receives a transmission suppress signal)**. Suda discloses “a request that another base station temporarily buffers the packets addressed to said terminal device is received from said terminal device” **(Paragraph [0064] of Suda, wherein Suda discloses the radio terminal sending a transmission suppress signal and going into power saving mode when the received power level is and below a threshold)**. Suda discloses “and the packets addressed to said terminal device are forwarded from said another radio base station” **(Paragraph [0102] of Suda)**. Suda discloses “an order of reception of said packets by said another radio base station” **(Fig. 7A-7D & Paragraph [0102] of Suda, wherein Suda discloses a received packet sequence, therefore an order of reception of said packets)**.

Suda fails to explicitly recite “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station.”

In a related field of endeavor, Tsutsumi discloses “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station”

(Paragraphs [0006] & [0014] of Tsutsumi).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda to incorporate the teachings of Tsutsumi for the purpose of improving system performance by providing the system with a function of setting priority of data set by the base station to prevent QoS (Quality of Service) from being degraded

(Paragraph [0007] of Tsutsumi).

Suda in view of Tsutsumi fails to explicitly recite “a radio base station having a request means for requesting said another radio base station.”

In a related field of endeavor, Rauhala discloses “a radio base station having a request means for requesting said another radio base station” **(Fig. 2 & Column 7, Lines 10-25 of Rauhala, wherein Rauhala discloses a first base station sending signaling message to a second base station)..**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda in view of Tsutsumi to incorporate the teachings of Rauhala for the purpose of improving the system by creating a better dynamism and utilization of network resources **(Column 3, Lines 13-19 of Rauhala).**

Regarding claim 38, Suda discloses “A terminal device that can connect with a plurality of radio base stations” **(Paragraph [0038] of Suda).** Suda discloses “comprising: deterioration detection means for detecting deterioration in a

Art Unit: 2617

communication state with the radio base stations that are connected” (**Paragraph [0057] of Suda, wherein Suda discloses informing the reception characteristics monitoring unit of interruption when the received power level is or below a preset threshold**). Suda discloses “detection means for detecting whether or not the packets addressed to said terminal device are forwarded from another radio base station” (**Paragraphs [0064] & [0102] of Suda, wherein Suda discloses the searching process for the new base station and the MAC control unit decides whether or not to be connected to the new radio base station and forwarding the packets from the base station formerly connected to, to the new base station**). Suda discloses “and request means for requesting said radio base station to buffer the packets addressed to said terminal device when the deterioration in the communication state is detected and the packets addressed to said terminal device are not forwarded from another radio base station” (**Paragraph [0064] of Suda, wherein Suda discloses the radio terminal sending a transmission suppress signal (request) when the received power level is or below a preset threshold**). Suda discloses “and means for requesting another radio base station to buffer the packets addressed to said terminal device when the deterioration in the communication state is detected” (**Paragraph [0064] of Suda**). Suda discloses “and the packets addressed to said terminal device are forwarded from said another radio base station” (**Paragraph [0102] of Suda**). Suda discloses “an order of reception of said packets by said another radio base station” (**Fig. 7A-7D & Paragraph [0102] of Suda, wherein Suda discloses a received packet sequence, therefore an order of reception of said packets**).

Suda fails to explicitly recite “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station.”

In a related field of endeavor, Tsutsumi discloses “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station”

(Paragraphs [0006] & [0014] of Tsutsumi).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda to incorporate the teachings of Tsutsumi for the purpose of improving system performance by providing the system with a function of setting priority of data set by the base station to prevent QoS (Quality of Service) from being degraded

(Paragraph [0007] of Tsutsumi).

Suda in view of Tsutsumi fails to explicitly recite “and means for requesting said radio base station to ask another radio base station.”

In a related field of endeavor, Rauhala discloses “and means for requesting said radio base station to ask another radio base station” **(Fig. 2 & Column 7, Lines 10-25 of Rauhala, wherein Rauhala discloses a first base station sending signaling message to a second base station).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda in view of Tsutsumi to incorporate the teachings of Rauhala for the purpose of improving the system by creating a better dynamism and utilization of network resources **(Column 3, Lines 13-19 of Rauhala).**

Regarding claim 40, Suda in view of Tsutsumi and further in view of Rauhala discloses “The terminal device according to claim 38, wherein said deterioration detection means measures a reception characteristic in a communication with said connected radio base station and detects deterioration in said communication state” **(Paragraph [0057] of Suda).**

Regarding claim 42, Suda in view of Tsutsumi and further in view of Rauhala discloses “The terminal device according to claim 40, wherein said reception characteristic measured by said deterioration detection means is one of a signal reception power from said connected radio base station, a bit error rate, and a packet error rate, or a combination thereof” **(Paragraph [0057] of Suda).**

Regarding claim 44, Suda discloses “A computer readable medium storing a program that is used in a radio base station connected to a terminal device” **(Paragraph [0068] of Suda).** Suda discloses “said program medium being configured as: means for determining deterioration in a communication state with a connected terminal device” **(Fig. 1 & 2 & Paragraph [0047] of Suda).** Suda discloses “means for determining whether or not the packets addressed to said terminal device are forwarded from another radio base station” **(Paragraphs [0100] & [0102] of Suda, wherein Suda discloses the radio base station to judge which base station the radio terminal makes a connection and forwarding the packets from the base station formerly connected to, to the new base station).** Suda discloses “and means for temporarily buffering the packets addressed to said terminal device when the deterioration in the communication state is detected and the packets addressed to said terminal device are

Art Unit: 2617

not forwarded from another radio base station” (**Paragraph [0046] of Suda, wherein Suda discloses the frames handed over to the buffer 440**). Suda discloses “and means for requesting another radio base station to temporarily buffer the packets addressed to said terminal device” (**Paragraphs [0051] – [0053] & [0102] of Suda, wherein Suda discloses buffering the frames when the operation mode is in power saving mode and discloses detecting the operation mode of the terminal device and sending a transmission suppress signal (request) and going into power saving mode when the received power level is below a threshold and when it receives a transmission suppress signal**). Suda discloses “when the deterioration in the communication state is detected and the packets addressed to said terminal device are forwarded from said another radio base station” (**Paragraphs [0064] & [0102] of Suda**). Suda discloses “an order of reception of said packets by said another radio base station” (**Fig. 7A-7D & Paragraph [0102] of Suda, wherein Suda discloses a received packet sequence, therefore an order of reception of said packets**).

Suda fails to explicitly recite “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station.”

In a related field of endeavor, Tsutsumi discloses “an order of transmission of said buffered packets from said radio base station to said terminal device corresponding to an order of reception of said packets by said another radio base station” (**Paragraphs [0006] & [0014] of Tsutsumi**).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda to incorporate the teachings of Tsutsumi for the purpose of improving system performance by providing the system with a function of setting priority of data set by the base station to prevent QoS (Quality of Service) from being degraded **(Paragraph [0007] of Tsutsumi).**

Suda in view of Tsutsumi fails to explicitly recite “a radio base station having a request means for requesting said another radio base station.”

In a related field of endeavor, Rauhala discloses “a radio base station having a request means for requesting said another radio base station” **(Fig. 2 & Column 7, Lines 10-25 of Rauhala, wherein Rauhala discloses a first base station sending signaling message to a second base station)..**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Suda in view of Tsutsumi to incorporate the teachings of Rauhala for the purpose of improving the system by creating a better dynamism and utilization of network resources **(Column 3, Lines 13-19 of Rauhala).**

Regarding claim 46, Suda discloses “A computer readable medium storing a program used in a terminal device that can be connected to a radio base station” **(Paragraph [0068] of Suda).** The examiner rejects claim 46 with the same arguments provided above (see claim 38).

Regarding claim 54, Suda in view of Tsutsumi discloses “The mobile communication method according to claim 48.” The examiner rejects claim 54 with the same arguments provided above (see claim 32).

Regarding claim 56, Suda in view of Tsutsumi discloses "The mobile communication method according to claim 54." The examiner rejects claim 56 with the same arguments provided above (see claim 34).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/590,741
Art Unit: 2617

Page 20

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617

.